

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL UNION NO. 580 of the INTERNATIONAL
ASSOCIATION OF BRIDGE, STRUCTURAL ,
ORNAMENTAL AND REINFORCING IRON WORKERS,
AFL-CIO, AND

TRUSTEES OF LOCAL UNION NO. 580 of the
INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL AND REINFORCING
IRON WORKERS EMPLOYEE BENEFIT FUNDS,

07 Civ 5463(JSR)

DECLARATION IN
SUPPORT OF
PETITIONER'S MOTION
FOR JUDGMENT
BY DEFAULT

- and-

D.F.S. BROTHERS IRON WORKS, INC. A/K/A
D.F.S. BROTHERS STEEL FABRICATORS,

-----X
Denis A. Engel, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of
Colleran, O'Hara & Mills L.L.P. attorneys for petitioners in the above-entitled action and I am
familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.2(b) of the Civil Rules for the
Southern District of New York, in support of petitioner's motion for judgment by default against
respondent.

3. This is an action to enforce the relevant provisions of the enabling trust
indentures, applicable collective bargaining agreements, and statutory obligations imposed on
defendant by E.R.I.S.A. §515, 29 U.S.C. §1145, and L.M.R.A. §301(a), 29 U.S.C. §185(a).

4. Jurisdiction is conferred upon this court by the Employee Retirement Income
Security Act of 1974, (hereinafter "E.R.I.S.A."), as amended, §§502 and 515, 29 U.S.C. §§1132 and

1145; and the Labor Management Relations Act, (hereinafter "L.M.R.A."), as amended, §301, 29 U.S.C. §185; derivative jurisdiction is contained in 28 U.S.C. §§1331 and 1337.

5. This action having been commenced on June 8, 2007 by the filing of the Summons and Complaint, attached hereto as EXHIBIT A, and a copy of the Summons and Complaint having been personally served on the defendant, D.F.S. BROTHERS IRON WORKS, INC. A/K/A D.F.S. BROTHERS STEEL FABRICATORS on June 15, 2007 by personally delivering a copy of the Summons and Complaint to Sal LoFaso, an officer of D.F.S. BROTHERS IRONS WORKS, INC. A/K/A D.F.S. BROTHERS STEEL FABRICATORS at 58-15 58th Place, Maspeth, New York at 1:19 P.M., a copy of the affidavit of service attached hereto as EXHIBIT B, and a proof of service having been filed on June 25, 2007 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired.

6. This action seeks judgment for the liquidated amount of \$52,494.63, plus interest at 9 % from June 8, 2007, for a total as of July 10, 2007 of \$401.26, as shown by the annexed Statement of Damages, attached hereto as EXHIBIT C, which is justly due and owing, and no part of which has been paid except as therein set forth.

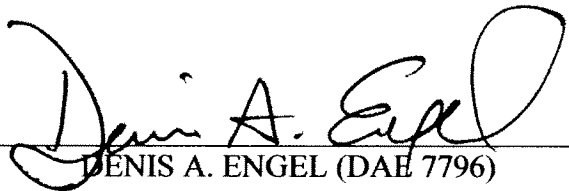
7. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

8. Pursuant to Local Rule 55.2(b), the Clerk's Certificate of Default is attached hereto as EXHIBIT D.


9. Pursuant to Local Rule 55.2(b), the Proposed Default Judgment is attached hereto as EXHIBIT E.

WHEREFORE, Petitioners request the motion for judgment by default be granted and the entry of the annexed Judgment against Responent.

Dated: New York, New York
July 13, 2007


DENIS A. ENGEL (DAE 7796)

Sworn to before me this 13
day of July, 2007.


Notary Public

ERIN O. DOHERTY
Notary Public, State of New York
No. 02DO6163194
Qualified in Nassau County
Commission Expires 03/18/2011